

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

WILLIAM JOSEPH WEBB, JR.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C. A. No. 07-31 - GMS
	:	
FIRST CORRECTIONAL MEDICAL,	:	
CORRECTIONAL MEDICAL SERVICES,	:	
GOVERNOR RUTH ANN MINNER,	:	
COMMISSIONER STANLEY W. TAYLOR,	:	TRIAL BY JURY OF
BUREAU CHIEF PAUL W. HOWARD,	:	TWELVE DEMANDED
MS. GINA WOLKEN,	:	
DR. ALI, DR. NIAZ, DR. JOHN DOE,	:	
DR. ANE DOE,	:	
Defendants.	:	

**DEFENDANTS' CORRECTIONAL MEDICAL SERVICES,**  
**GINA WOLKEN, AND DR. NIAZ,**  
**RESPONSE TO PLAINTIFF'S MOTION TO STRIKE CO-DEFENDANTS' ANSWER**


NOW COMES, Defendants, Correctional Medical Services (CMS), Gina Wolken, and Dr. Niaz, and asks the Court to deny the Plaintiff's Motion to Strike Co-defendants's Answer to Complaint. Defendants refer to Delaware Local Rule 7.1.2 that requires any request for relief to be by Motion and that the responsive papers shall be in the form adopted by the moving party. Defendants have not submitted a brief in response to plaintiff's Motion as plaintiff's Motion did not contain a brief. However, Defendants request the Court's guidance such that if the Court would like any issues it identifies in the plaintiff's motion to be briefed that defendants have an opportunity to submit a brief. Also, in making this response, Defendants do not waive any defenses and specifically preserve all defenses including, but not limited to Statute of Limitations, Lack of Personal Jurisdiction, Insufficient Service and Insufficient Service of Process. In support of this Motion,

Defendants offer the following:

1. Counsel for the above defendants received the State Defendants's Answer to Complaint via the CM/ECF filing system.
2. Denied. The Court's Order of May 7, 2007 speaks for itself;
3. Defendants submit that the plaintiff misunderstands the Court's Order and suggests that the Court Order was an articulation that the plaintiff must serve the defendants.
4. Defendants continuing to assert all defenses, including but not limited to Statute of Limitations, Insufficient Service of Process, and Insufficient Process, and Lack of Personal Jurisdiction. Also, Defendants's counsel expects that it will be eventually determined that Ms. Woken was employed from 2000 to 2002 with Correctional Medical Services, making any possible claims against her barred by the statute of limitations.
5. The Federal Rules of Civil Procedure do not require that defendants' counsel state for whom counsel will appear and answer prior to service of process.
6. Denied.

WHEREFORE, Defendants request that the Court deny the plaintiff's claim for a default judgment, automatic summary judgement, and declaratory or injunctive relief. If the Court identifies any further substantive claims made by the plaintiff that have not been responded to, Defendant's counsel requests that the court identify the issue and permit Defendant to file an amended Response to Motion to Strike and/or an additional Response.

Marks, O'Neill, O'Brien & Courtney, P.C.

By:   
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DATED: July 30, 2007